

**United States Bankruptcy Court**  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In the matter of:	}	Chapter 13
	}	
<b>Lee C. DeWalt</b>	}	Case No. 10-58997
<b>Shelly B. DeWalt</b>	}	
	}	
Debtors	}	Judge: Caldwell

**MOTION TO MODIFY A CONFIRMED CHAPTER 13 PLAN**

Now come debtors herein, Lee C. DeWalt and Shelly B. DeWalt, by and through their counsel Andrew Yiangou, and hereby moves this Court for an Order modifying their Chapter 13 Plan payments from \$885.00 per month to \$1,650.00 per month for 16 months and \$1,800.00 until the end of the plan effective January 1, 2012, The dividend to unsecured creditors remains at 100%. In addition, Debtors proposes the Chapter 13 Trustee pay their mortgage of \$769.13 by conduit starting in January 1, 2012. Also, Colonial Savings & Loan will be amending their Proof of Claim to include the arrearage of \$4,244.23. The plan will complete within 60 months.

The Chapter 13 Plan was confirmed on October 12, 2010 with a 100% dividend plan.

/s/ Andrew Yiangou  
**Andrew Yiangou (0056146)**  
Attorney for Debtors  
3099 Sullivant Avenue  
Columbus, Ohio 43204  
Tel: (614) 279-8276  
Fax: (614) 308-0613  
[bankruptcy@byattorneys.com](mailto:bankruptcy@byattorneys.com)

**MEMORANDUM IN SUPPORT**

Debtors got behind on their mortgage payments and will need to amend their plan. An Amended Schedule I and J are attached and incorporated by reference herein.

/s/ Andrew Yiangou  
**Andrew Yiangou (0046146)**  
Attorney for Debtors

**NOTICE OF**  
**RIGHT TO RESPOND WITHIN TWENTY ONE (21) DAYS**

The Debtors have filed papers with the Court to grant the approval of the Motion to Modify a Confirmed Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the Court to grant this Motion to Modify a Confirmed Plan, or if you want the Court to consider your views on the Motion, then or before twenty one (21) days from the date of the mailing of this Notice, you or your attorney must:

File with the Court a written request for hearing and an objection to the Motion to Modify a Confirmed Plan stating therein the basis for your objection. This pleading must be filed with the Clerk of Courts, United States Bankruptcy Court, 170 N. High Street, Columbus, OH 43215. If you mail your response to the Court for filing you must mail it early enough so the Court will **receive** it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion to Modify a Confirmed Plan and may enter an Order granting that relief.

**You must also mail a copy to:**

ALL CREDITORS LISTED ON ATTACHED EXHIBIT "A"

ANDREW YIANGOU  
ATTORNEY FOR DEBTORS  
3099 SULLIVANT AVENUE  
COLUMBUS, OH 43204

OFFICE OF THE US TRUSTEE  
170 N. HIGH STREET, STE 200  
COLUMBUS, OH 43215

JEFFREY P. NORMAN  
CHAPTER 13 STANDING TRUSTEE  
P O BOX 1718  
SUITE 200  
MEMPHIS, TN 38101-1718

LEE & SHELLY DEWALT  
1739 EASTBROOK DRIVE S  
COLUMBUS, OH 43223

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served by first-class U. S. mail, postage prepaid, on the 10th day of December, 2011, on the parties whose names and addresses are set forth below.

**Respectfully submitted,**

/s/ Andrew Yiangou

**Andrew Yiangou** OH Supr Crt No. 0056146

*Attorney for Debtor(s)*

3099 Sullivant Avenue  
Columbus, Ohio 43204

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Parties Served:

ALL CREDITORS LISTED ON EXHIBIT "A"

B6I (Official Form 6I) (12/07)

In re **Lee C DeWalt**  
**Shelly B DeWalt**

Case No. **2:10-bk-58997**

Debtor(s)

### SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
<b>Married</b>	RELATIONSHIP(S):	AGE(S):
	<b>Son</b> <b>Son</b>	<b>13</b> <b>17</b>
<b>Employment:</b>	DEBTOR	SPOUSE
Occupation	<b>Dock Worker</b>	<b>Skip Tracer</b>
Name of Employer	<b>Parsec, Inc.</b>	<b>NCO Financial Systems</b>
How long employed	<b>7 Years</b>	<b>13 Years</b>
Address of Employer	<b>1100 Gest Street</b> <b>Cincinnati, OH 45203</b>	<b>150 Crosspoint Parkway</b> <b>Getzville, NY 14068</b>

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ <b>2,354.00</b>	\$ <b>2,730.00</b>
\$ <b>194.00</b>	\$ <b>1,049.00</b>

3. SUBTOTAL

\$ <b>2,548.00</b>	\$ <b>3,779.00</b>
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4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify): **401 K**

**401 K Loan - Ends in 23 months**

\$ <b>528.00</b>	\$ <b>954.00</b>
\$ <b>72.00</b>	\$ <b>124.00</b>
\$ <b>37.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>151.00</b>
\$ <b>0.00</b>	\$ <b>158.00</b>

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ <b>637.00</b>	\$ <b>1,387.00</b>
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6. TOTAL NET MONTHLY TAKE HOME PAY

\$ <b>1,911.00</b>	\$ <b>2,392.00</b>
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7. Regular income from operation of business or profession or farm (Attach detailed statement)

\$ <b>0.00</b>	\$ <b>0.00</b>
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8. Income from real property

\$ <b>0.00</b>	\$ <b>0.00</b>
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9. Interest and dividends

\$ <b>0.00</b>	\$ <b>0.00</b>
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10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

\$ <b>0.00</b>	\$ <b>0.00</b>
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11. Social security or government assistance

(Specify):

\$ <b>0.00</b>	\$ <b>0.00</b>
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12. Pension or retirement income

\$ <b>0.00</b>	\$ <b>0.00</b>
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13. Other monthly income

(Specify):

\$ <b>0.00</b>	\$ <b>0.00</b>
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14. SUBTOTAL OF LINES 7 THROUGH 13

\$ <b>0.00</b>	\$ <b>0.00</b>
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15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

\$ <b>1,911.00</b>	\$ <b>2,392.00</b>
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16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

\$ <b>4,303.00</b>
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(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

**NONE**

B6J (Official Form 6J) (12/07)

In re **Lee C DeWalt**  
**Shelly B DeWalt**

Case No. **2:10-bk-58997**

Debtor(s)

## SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	<b>0.00</b>
a. Are real estate taxes included? Yes <u><b>X</b></u> No <u>    </u>		
b. Is property insurance included? Yes <u><b>X</b></u> No <u>    </u>		
2. Utilities: a. Electricity and heating fuel	\$	<b>250.00</b>
b. Water and sewer	\$	<b>116.00</b>
c. Telephone	\$	<b>150.00</b>
d. Other <u><b>See Detailed Expense Attachment</b></u>	\$	<b>170.00</b>
3. Home maintenance (repairs and upkeep)	\$	<b>50.00</b>
4. Food	\$	<b>1,000.00</b>
5. Clothing	\$	<b>200.00</b>
6. Laundry and dry cleaning	\$	<b>20.00</b>
7. Medical and dental expenses	\$	<b>50.00</b>
8. Transportation (not including car payments)	\$	<b>400.00</b>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<b>0.00</b>
10. Charitable contributions	\$	<b>0.00</b>
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	<b>0.00</b>
b. Life	\$	<b>0.00</b>
c. Health	\$	<b>0.00</b>
d. Auto	\$	<b>142.00</b>
e. Other <u>    </u>	\$	<b>0.00</b>
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) <u>    </u>	\$	<b>0.00</b>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	<b>0.00</b>
b. Other <u>    </u>	\$	<b>0.00</b>
c. Other <u>    </u>	\$	<b>0.00</b>
14. Alimony, maintenance, and support paid to others	\$	<b>0.00</b>
15. Payments for support of additional dependents not living at your home	\$	<b>0.00</b>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<b>0.00</b>
17. Other <u><b>Haircuts &amp; Toiletries</b></u>	\$	<b>105.00</b>
Other <u>    </u>	\$	<b>0.00</b>
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	<b>2,653.00</b>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: <u><b>None</b></u>		
20. STATEMENT OF MONTHLY NET INCOME		
a. Average monthly income from Line 15 of Schedule I	\$	<b>4,303.00</b>
b. Average monthly expenses from Line 18 above	\$	<b>2,653.00</b>
c. Monthly net income (a. minus b.)	\$	<b>1,650.00</b>

B6J (Official Form 6J) (12/07)

In re **Lee C DeWalt**  
**Shelly B DeWalt**

Case No. **2:10-bk-58997**

Debtor(s)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED**

**Detailed Expense Attachment**

**Other Utility Expenditures:**

<b>Cable, Internet</b>	\$	<b>145.00</b>
<b>Trash</b>	\$	<b>25.00</b>
<b>Total Other Utility Expenditures</b>	\$	<b>170.00</b>

Label Matrix for local noticing  
0648-2  
Case 2:10-bk-58997  
Southern District of Ohio  
Columbus  
Thu Dec 1 15:03:57 EST 2011

PRA Receivables Management LLC  
POB 41067  
Norfolk, VA 23541-1067

United States Bankruptcy Court  
170 North High Street  
Columbus, OH 43215-2414

Asset Recovery Solutio  
2200 E Devon Ave Ste 200  
Des Plaines, IL 60018-4501

Asset Recovery Solutions  
2200 E Devon Ave  
Suite 200  
Des Plaines, IL 60018-4501

Asst US Trustee (Col)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215-2417

Cardmember Service Center  
P.O. Box 5251  
Carol Stream, IL 60197-5251

Chase  
Po Box 15298  
Wilmington, DE 19850-5298

Citi Auto  
2208 Highway 121 Ste 100  
Bedford, TX 76021-5981

CitiFinancial Auto Corporation  
PO Box 9578  
Coppell TX 75019-9513

Citifinancial  
300 Saint Paul Pl  
Baltimore, MD 21202-2120

Citifinancial  
3025 West Broad Street  
Columbus, OH 43204-2653

Collection  
Po Box 9134  
Needham, MA 02494-9134

Colonial Savings FA  
PO Box 2988  
Fort Worth, TX 76113-2988

Credit Management, LP  
4200 International Parkway  
Carrollton, TX 75007-1912

Credit Mgmt  
4200 International Pkwy  
Carrollton, TX 75007-1912

Credit One Bank  
Po Box 98875  
Las Vegas, NV 89193-8875

Doctors Hospital  
P.O. Box 182143  
Columbus, OH 43218-2143

Escallate Llc  
5200 Stoneham Rd  
North Canton, OH 44720-1584

Fingerhut  
6250 Ridgewood Road  
Saint Cloud, MN 56303-0820

Flowers Family Practice  
3667 Marlane Drive  
Grove City, OH 43123-8895

GE Money Bank  
Attn: Bankruptcy Department  
PO Box 960061  
Orlando FL 32896-0661

GE Money Bank  
c/o Recovery Management Systems Corporat  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

Gemb/care Credit  
Po Box 981439  
El Paso, TX 79998-1439

Gemb/walmart  
Po Box 981400  
El Paso, TX 79998-1400

Gregory D. Woodridge, Esq.  
Frank & Wooldridge Co., LPA  
600 South Pearl Street  
Columbus, OH 43206-1017

Hsbc Bank  
Po Box 5253  
Carol Stream, IL 60197-5253

Javitch, Block & Rathbone  
1100 Superior Avenue, 19th Floor  
Cleveland, OH 44114-2521

Javitch, Block & Rathbone  
130 E Town St  
Suite 1250  
Columbus, OH 43215

Javitch, Block & Rathbone  
Attorney at Law  
1100 Superior Avenue, 18th floor  
Cleveland, OH 44114-2518

Joseph D. Ryan, DDS  
2233 W Broad Street  
Columbus, OH 43223-1038

LVNV Funding LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

LVNV Funding LLC  
P.O. B 10584  
Greenville, SC 29603-0584

Metabnk/fhut  
P.O. Box 1250  
Saint Cloud, MN 56395-1250

Midland Credit Management  
8875 Aero Drive  
San Diego, CA 92123-2251

NCO Financial Systems, Inc.  
5100 Peachtree Industrial Blvd  
Dept 64  
Norcross, GA 30071-5721

Ohio Department of Taxation  
Bankruptcy Division  
P.O. Box 530  
Columbus, OH 43216-0530

Ohio Health  
5350 Frantz Road  
Dublin, OH 43016-4259

PRA Receivables Management LLC  
Portfolio Recovery Assocs  
PO Box 41067  
Norfolk VA 23541-1067

PRA Receivables Management, LLC  
As Agent Of Portfolio Recovery Assocs.  
POB 41067  
Norfolk VA 23541-1067

PayPal Buyer Credit  
P.O. Box 981064  
El Paso, TX 79998-1064

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Portfolio Recvry&affil  
287 Independence  
Virginia Beach, VA 23462-2962

State of Ohio  
Department of Taxation  
30 East Broad Street  
Columbus, OH 43215-3414

T-Mobile Financial  
P.O. Box 2400  
Young America, MN 55553-2400

The Huntington National Bank  
c/o Weltman, Weinberg & Reis Co., LPA  
323 W. Lakeside Avenue, 2nd Fl.  
Cleveland, Ohio 44113-1085

(p)TOYOTA MOTOR CREDIT CORPORATION  
PO BOX 8026  
CEDAR RAPIDS IA 52408-8026

Toyota Motor Credit Corporation  
Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

United Collect Bur Inc  
5620 Southwyck Blvd Ste  
Toledo, OH 43614-1501

Andrew Yiangou  
3099 Sullivant Avenue  
Columbus, OH 43204-1895

Frank M Pees  
130 East Wilson Bridge Road  
Suite 200  
Worthington, OH 43085-2391

Lee C DeWalt  
1739 Eastbrook Drive S  
Columbus, OH 43223-3705

Shelly B Dewalt  
1739 Eastbrook Drive S  
Columbus, OH 43223-3705

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC  
PO Box 41067  
Norfolk, VA 23541

Toyota Motor Credit  
P.O. Box 2730  
Mail Stop WF22  
Torrance, CA 90509-2730

End of Label Matrix  
Mailable recipients 52  
Bypassed recipients 0  
Total 52